

eliminated by the promulgation of an approval by the Administrator of a revision to Wisconsin's State Implementation Plan (SIP) as correcting in part the SIP's deficiency that is the basis for the TR Federal Implementation Plan under § 52.39, except to the extent the Administrator's approval is partial or conditional. The obligation to comply with such requirements with regard to sources and units located in Indian country within the borders of the State will not be eliminated by the promulgation of an approval by the Administrator of a revision to Wisconsin's SIP.

(2) Notwithstanding the provisions of paragraph (c)(1) of this section, if, at the time of the approval of Wisconsin's SIP revision described in paragraph (c)(1) of this section, the Administrator has already started recording any allocations of TR SO₂ Group 1 allowances under subpart CCCC of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart CCCC of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR SO₂ Group 1 allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State's SIP revision.

[72 FR 62357, Nov. 2, 2007, as amended at 76 FR 48378, Aug. 8, 2011]

§ 52.2589 Wisconsin construction permit permanency revision.

This plan was originally submitted as Wis. Stat. 144.396 by Wisconsin on July 12, 1979 and approved into Wisconsin's SIP on June 25, 1986 (51 FR 23056). Wis. Stat. 144.396 was renumbered Wis. Stat. 285.66 in 1995 Wisconsin Act 227, effective January 1, 1997. On December 8, 2005, Wisconsin submitted for EPA approval into the Wisconsin SIP a revision to Wis. Stats. 285.66(1), as amended in 2005 Wisconsin Act 25, effective July 26, 2005. This revision makes all conditions in Wisconsin's construction permits permanent. EPA has determined that this statutory revision is approvable under the Act.

[71 FR 9936, Feb. 28, 2006]

§ 52.2590 Operating permits.

For any permitting program located in the State, insofar as the permitting threshold provisions in Chapter NR 407 of the Wisconsin Administrative Code concern the treatment of sources of greenhouse gas emissions as major sources for purposes of title V operating permits, EPA approves such provisions only to the extent they require permits for such sources where the source emits or has the potential to emit at least 100,000 tpy CO₂ equivalent emissions, as well as 100 tpy on a mass basis, as of July 1, 2011.

[75 FR 82266, Dec. 30, 2010]

§ 52.2591 Section 110(a)(2) infrastructure requirements.

(a) *Approval.* In a December 12, 2007 submittal, supplemented on January 24, 2011 and March 28, 2011, Wisconsin certified that the State has satisfied the infrastructure SIP requirements of section 110(a)(2)(A) through (C), (D)(ii), (E) through (H), and (J) through (M) for the 1997 8-hour ozone NAAQS. EPA is not finalizing its proposed approval of the submission from the State of Wisconsin with respect to two narrow issues that relate to section 110(a)(2)(C): The requirement for consideration of NO_x as a precursor to ozone; and (ii) the definition of "major modification" related to fuel changes for certain sources. EPA will address these issues in a later action.

(b) *Approval.* In a December 12, 2007 submittal, supplemented on January 24, 2011 and March 28, 2011, Wisconsin certified that the State has satisfied the infrastructure SIP requirements of section 110(a)(2)(A) through (C), (D)(ii), (E) through (H), and (J) through (M) for the 1997 PM_{2.5} NAAQS. EPA is not finalizing its proposed approval of the submission from the State of Wisconsin with respect to two narrow issues that relate to section 110(a)(2)(C): The requirement for consideration of NO_x as a precursor to ozone; and the definition of "major modification" related to fuel changes for certain sources. EPA will address these issues in a later action.

(c) *Disapproval.* EPA is disapproving the portions of Wisconsin's infrastructure SIP for the 1997 ozone NAAQS

with respect to two narrow issues that relate to section 110(a)(2)(C):

(1) The requirement for consideration of NO_x as a precursor to ozone; and

(2) The definition of “major modification” related to fuel changes for certain sources.

(d) *Disapproval*. EPA is disapproving the portions of Wisconsin’s infrastructure SIP for the 1997 PM_{2.5} NAAQS with respect to two narrow issues that relate to section 110(a)(2)(C):

(1) The requirement for consideration of NO_x as a precursor to ozone; and

(2) The definition of “major modification” related to fuel changes for certain sources.

(e) *Approval and Disapproval*—In a January 24, 2011, submittal, supplemented on March 28, 2011, and June 29, 2012, Wisconsin certified that the State has satisfied the infrastructure SIP requirements of section 110(a)(2)(A) through (H), and (J) through (M) for the 2006 24-hour PM_{2.5} NAAQS. We are not finalizing action on (D)(i)(I), the visibility protection requirements of (D)(i)(II), and the state board requirements of (E)(ii). We will address these requirements in a separate action. We are disapproving narrow portions of Wisconsin’s infrastructure SIP submission addressing the relevant prevention of significant deterioration requirements of the 2008 NSR Rule (identifying PM_{2.5} precursors and the regulation of PM_{2.5} and PM₁₀ condensables in permits) with respect to section 110(a)(2)(C), (D)(i)(II), and (J).

[76 FR 41086, July 13, 2011, as amended at 77 FR 35873, June 15, 2012; 77 FR 65488, Oct. 29, 2012]

Subpart ZZ—Wyoming

§ 52.2620 Identification of plan.

(a) *Purpose and scope*. This section sets forth the applicable State Imple-

mentation Plan for Wyoming under section 110 of the Clean Air Act, 42 U.S.C. 7410 and 40 CFR part 51 to meet national ambient air quality standards or other requirements under the Clean Air Act.

(b) *Incorporation by reference*. (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to August 31, 2006 was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as submitted by the state to EPA, and notice of any change in the material will be published in the FEDERAL REGISTER. Entries for paragraphs (c) and (d) of this section with EPA approval dates after August 31, 2006, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 8 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated state rules/regulations which have been approved as part of the State Implementation Plan as of August 31, 2006.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region 8, 1595 Wynkoop Street, Denver, Colorado 80202-1129; the Environmental Protection Agency, Air and Radiation Docket and Information Center, Air Docket (6102), 1200 Pennsylvania Ave., NW., Washington, DC 20460; or the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

(c) *EPA approved regulations*.

(1) State of Wyoming Regulations

State citation	Title/subject	State adopted and effective date	EPA approval date and citation ¹	Explanations
Chapter 1				
Section 2	Authority	9/13/99, 10/29/99	7/28/04, 69 FR 44965.	
Section 3	Definitions	9/13/99, 10/29/99	7/28/04, 69 FR 44965.	
Section 4	Prevention of Significant Deterioration	7/8/10 and 9/7/10	6/30/11, 7/25/11, 76 FR 44265.	
Section 5	Unavoidable Equipment Malfunction	11/16/05, 1/30/06	4/16/10, 75 FR 19886.	
Section 6	Credible Evidence	10/23/00, 12/8/00	4/16/10, 75 FR 19886.	